

REMARKS

Claims 1-5 are all the claims pending in the application. Claims 1-5 have been amended and new claim 6 has been added by this Amendment. Support for the amendments may be found, for example, by the description at page 3, lines 18-24 and Examples 7-8 of the specification and Figures 6-7. No new matter has been introduced. Entry of the amendment and reconsideration are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (U.S. Patent No. 6,589,566), in view of Spiegel (U.S. 2004/0082657 A1), in view of Kao et al. (American Journal of Clinical Nutrition, Vol. 72, No. 5, 1232-1233), and further in view of Day et al. (U.S. Patent No. 6706743 B2).

Ueda was relied upon to disclose a composition comprising theanine, which can be used for suppressing and ameliorating symptoms accompanying diminished homeostasis, such as obesity.

Spiegel was relied upon to teach a method and composition for suppressing the appetite of a human being using L-theanine.

Kao was relied upon to teach that intraperitoneal injection of epigallocatechin gallate caused body weight loss in rats.

Day et al. was relied upon to teach that compositions comprising compounds which stimulate Beta₃ adrenergic receptor agonists reduce body weight or decrease weight gain when administered to mammal.

None of cited references teach or suggest that a method of removing cellulites, comprising applying a skin with a composition comprising theanine and at least one selected from the group consisting of caffeine, genistein, L-carnitine and catechin as effective components, as recited in currently presented Claim 1, or a composition for removing cellulites comprising theanine, caffeine, genistein, L-carnitine and catechin as active ingredients.

The anti-cellulite effect of the composition according to the present invention is shown in Examples 7 and 8 (see, Figs. 6. and 7 in the specification). In examples 7 and 8, the lotion compositions prepared in the Examples 1~8 and Comparative Examples 1~2 were applied to adult females for 8 weeks twice a day on the inner part of thighs with massaging. Then the thicknesses of the subcutaneous fats, and the skin firmness were measured before and after 8 weeks of using the lotion to observe the anti-cellulite effect.

As shown in Figs. 6 and 7 of the present invention, compositions of Examples 1~8, which each comprise components showed more significant effects of decreasing the thickness of subcutaneous fat than that of Comparative Example 1 not containing effective component, and that of Comparative Example 2 containing only theanine. In particular, the composition of Example 1, which contains five active ingredients showed the most significant effects.

Accordingly, it is believed that the rejection under 35 U.S.C. § 103(a) is rendered moot by the amendments and it is respectfully requested that the rejection be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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